

BILL # HB 2447

TITLE: sentencing; third serious offense

SPONSOR: Murphy

STATUS: As Introduced

REQUESTED BY: House

PREPARED BY: Kimberly Chelberg

FISCAL ANALYSIS

Description

Under HB 2447 defendants who are convicted of a serious offense and have one prior serious offense conviction would be required to serve at least twice the minimum sentence authorized for the second offense. For an offender with two or more prior serious offenses, defendants would be sentenced to life in prison with a twenty-five year minimum requirement.

Estimated Impact

The JLBC Staff estimates the bill will increase General Fund costs for the Arizona Department of Corrections (ADC) due to the lengthening of some inmates' sentences. The impact will most likely not occur for 4 to 5 years (with 4 to 5 years representing the current average time served for serious offenses). An actual cost cannot be determined in advance; however, see the Analysis section below for more information.

ADC did not provide a cost estimate for the bill.

Analysis

The cost of HB 2447, beginning in FY 2009 or FY 2010, would depend primarily on two factors:

- 1) The number of inmates sentenced to longer terms of commitment due to the bill.
- 2) Whether additional funding is provided to acquire additional space for HB 2447 inmates or the department is required to absorb the inmates within their existing prison bed capacity.

In addition to the number of inmates, the cost will depend on whether the state funds additional prison beds. If a new bed is acquired for each HB 2447 inmate, the annual operating cost per inmate will be approximately \$21,000. Additional capital costs will depend on whether the new beds are privately or publicly constructed. The state, however, could require the department to absorb the inmates within ADC's current bed capacity. Traditionally, the department has received approximately \$3,500 for each marginal inmate added to existing capacity.

The department releases between 3,500 and 5,000 violent offenders annually. Based on ADC's most recent annual report (FY 2003), approximately 29% of violent offenders are repeat offenders. Given this information, on average, ADC releases between 1,000 and 1,500 violent, repeat offenders annually. The ADC report, however, does not indicate whether the prior offense was a violent offense. Therefore, we cannot determine how many inmates will be impacted.

Local Government Impact

An increase in court costs may occur and will depend upon whether serious offenders affected by HB 2447 choose trial at higher rate.